

06-07-01

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Dkt. 2793/50130-G/JPW/CMR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Daniel J. Capon and Christos J. Petropoulos  
Serial No.: Continuation of 09/371,774  
Filed : June 5, 2001  
For : COMPOSITIONS AND METHODS FOR DETERMINING ANTI-VIRAL DRUG SUSCEPTIBILITY AND RESISTANCE AND ANTI-VIRAL DRUG SCREENING

1185 Avenue of the Americas  
New York, New York 10036  
June 5, 2001

Assistant Commissioner for Patents  
Washington, D.C. 20231

SIR:

**EXPRESS MAIL CERTIFICATE OF  
MAILING FOR ABOVE-IDENTIFIED APPLICATION**

"Express Mail" mailing label number: EL 525 963 264 US  
Date of Deposit: June 5, 2001  
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. \$1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents Box PCT, Washington, D.C. 20231.

Printed Name:

CHRIS RIES

Respectfully submitted,

John P. White

John P. White  
Registration No. 28,678  
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11060 U.S. PTO  
06/06/01

11033 U.S. PTO  
09/875082  
06/06/01

09/875082 06/06/01

Anticipated Classification  
of this Application:  
Class 435 Subclass 6

Prior Application:  
Examiner J. Ketter  
Group Art Unit 1636

Attorney's  
Docket  
No. 50130-G

HONORABLE ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

June 5, 2001

S I R:

This is a request for filing a X CONTINUATION

       DIVISIONAL        CONTINUATION-IN-PART application under

X 37 C.F.R. §1.53(b)        37 C.F.R. §1.53(d), of pending prior application

Serial No. 09/371,774 filed on August 10, 1999 of

Daniel J. Capon and Christos J. Petropoulos for  
Inventor(s)

COMPOSITIONS AND METHODS FOR DETERMINING ANTI-VIRAL DRUG SUSCEPTIBILITY AND  
RESISTANCE AND ANTI-VIRAL DRUG SCREENING

Title of Invention

1. X Enclosed is a copy of the prior application, as originally  
filed and an affidavit or declaration verifying it as a  
true copy.

2. X A verified statement to establish small entity status under  
37 C.F.R. §1.9 and 1.27

       is enclosed.

X was filed in the prior application and such status  
is still proper and desired (37 C.F.R. §1.28(a)).

3. X The filing fee is calculated as follows:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT

	NUMBER FILED		NUMBER EXTRA*		RATE		FEE	
					SMALL ENTITY	OTHER ENTITY	SMALL ENTITY	OTHER ENTITY
Total Claims	20-20	=	0	X	9	18	= \$ 0	\$
Independent Claims	3-3	=	0	X	40	80	= \$ 0	\$
Multiple Dependent Claims Presented: <u>      </u> Yes <u>X</u> No					135	270	= \$	\$
					BASIC FEE		\$ 355	\$ 710
					TOTAL FEE		\$ 355	\$ .

\*If the difference in Col. 1 is  
less than zero, enter "0" in  
Col. 2.

<sup>1</sup> filing an application pursuant to this section expressly abandons the  
parent application.

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4. ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this application or credit any overpayment to Deposit Account No. 03-3125.
- ☒ Any additional filing fees required under 37 C.F.R. §1.16.
- ☒ Any patent application processing fees under 37 C.F.R. §1.17.
- ☐ The issue fees set forth in 37 C.F.R. §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. §1.311(b).
5. ☒ Three copies of this sheet are enclosed.
6. ☒ A check in the amount of \$ 355.00 is enclosed.
7. ☐ Cancel claims \_\_\_\_\_.
8. ☐ Amend the specification by inserting before the first line the sentence: --This is a      continuation      division of application Serial No.                     , filed                     .--
9. ☒ 40 Sheet(s) of      informal ☒ formal drawing(s) is/are enclosed.
10. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
11. ☐ Priority of application No.                      filed on                      in                      (country) is claimed under 37 U.S.C. §119.
- ☐ The certified copy of the priority application has been filed in prior application Serial No.                     , filed                     .
12. ☒ The prior application is assigned of record to ViroLogic Inc., 270 East Grand Avenue, S. San Francisco, CA 94080
13. ☒ A preliminary amendment is enclosed.
14. ☒ The power of attorney in the prior application is to:

John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Albert Wai-Kit Chan (Reg. No. 36,479); Robert T. Maldonado (Reg. No. 38,232); Paul Teng (40,837); George M. MacDonald (Reg. No. 39,284); Richard F. Jaworski (Reg. No. 33,515); Elizabeth M. Wieckowski (Reg. No. 42,226); and Pedro C. Fernandez (Reg. No. 41,741).

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U.S. Serial No.: Continuation of 09/371,774  
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- (a) ☒ The power appears in the original papers in the prior application.
- (b) ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- (c) ☒ Address all future communications to:  
(May only be completed by applicant, or attorney or agent of record.)

John P. White

Cooper & Dunham LLP

1185 Avenue of the Americas

New York, New York 10036

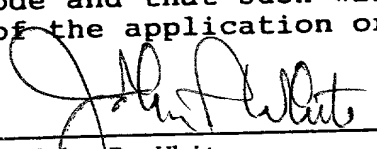
15. ☒ Also enclosed Express Mail Certificate of Mailing No.

EL 525 963 264 US, dated June 5, 2001

16. ☒ I hereby verify that the attached papers are a true copy of prior application Serial No. 09/371,774 as originally filed on August 10, 1999.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

June 5, 2001  
Date

  
Signature John P. White  
Reg. No. 28,678

☐ INVENTOR(S)  
☐ ASSIGNEE OF COMPLETE INTEREST  
☒ ATTORNEY OR AGENT OF RECORD  
☐ FILED UNDER 37 C.F.R. §1.34(a)

Address of Signator:

Cooper & Dunham LLP

1185 Avenue of the Americas

New York, New York 10036